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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,266	09/22/2003	Michael A.N. Scobie	62276-1512	7761
20736	7590	04/17/2006	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,266

Applicant(s)

SCOBIE, MICHAEL A.N.

Examiner

Mark Halpern

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/05 & 9/22/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

- 1) Claim 13 should be corrected to recite – a compression pressure – in place of “a compression force”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 1-12, 14, 16-17, are rejected under 35 U.S.C. 102(b) as being anticipated by Betzner (6,068,804).

Claims 1-3, 10-12: Betzner discloses a process of making a fiberboard that includes the steps of forming a slurry that includes lignocellulose fibrous materials (col. 4, lines 16-30) and asphalt, mixing the slurry to uniformly distribute the components,

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dewatering the slurry to form a wet mat, pressing the wet mat in a pressing means under pressure to make it uniformly consolidated, and drying the mat for a duration of time at a temperature range (Abstract, and Figures 1-3). The finished mat is of thickness in the range of 3/8 - 3/4 inches (col. 7, lines 1-4).

Claims 4-7: the fiber length 0.25 mm to 13 mm (col. 2, lines 34-38).

Claim 8: the fiber consistency in the aqueous slurry is in range of 0.5% to 8% by weight (col. 2, lines 19-21).

Claim 9: the bulk density is 18-25 lbs/ft³ (col. 2, lines 20-25).

Claim 14: fibers of wood pulp, bagase, straw are disclosed (col. 2, lines 29-33, col. 4, lines 16-30).

Claims 16-17: the formed board contains 0-5% water by weight (col. 6, lines 29-31).

3) Claims 23-24. are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Betzner.

Claims 23-24: Betzner discloses a process of making a fiberboard that includes the steps of forming a slurry that includes lignocellulose fibrous materials and asphalt, mixing the slurry to uniformly distribute the components, dewatering the slurry to form a wet mat, pressing the wet mat in a pressing means under pressure to make it uniformly consolidated, and drying the mat for a duration of time at a temperature range. The finished mat is of thickness in the range of 3/8 - 3/4 inches.

In the event any differences can be shown for the product of the product-by-process claims 23-24, as opposed to the product taught by the reference Betzner, such

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differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of a showing of unexpected results; see also In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985).

4) Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Betzner. Betzner fails to disclose pressure of claimed range during pressing, however, it would have been obvious to one skilled in the art at the time the invention was made, that the pressure applied during the mat formation would be in the range claimed, based on the design requirements of the resulting product.

5) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Betzner in view of Bodary (6,086,720). Betzner fails to disclose drying step by air drying. Bodary discloses a process of making a fibrous product from a slurry, wherein drying is performed by drawing air through the product made. It would have been obvious to one skilled in the art at the time the invention was made, to combine the teachings of Betzner and Bodary, because such a combination by the use of air drying would reduce the drying time in the making of the mat of Betzner.

6) Claims 18-22, 25-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Betzner in view of Symons (6,403,000).

Claims 18-22: Betzner is applied as above for claim 1, Betzner does not disclose further impregnation in thermosetting resin followed by drying. Symons discloses the further step of impregnating the lignocellulosous fiber material with a liquid thermosetting resin by pressing for a period of time and then drying. It would have been obvious to one skilled in the art at the time the invention was made, to combine the teachings of

Betzner and Symons, because such a combination would provide strength to the product of Betzner and thus expand the product applicability and use.

Claims 25-26: Betzner is applied as above for claim 1. Symons discloses the further step of impregnating the lignocelluluous fiber material with a liquid thermosetting resin by pressing for a period of time and then drying. Betzner in view of Symons disclose the product.

In the event any differences can be shown for the product of the product-by-process claims 25-26, as opposed to the product taught by the references Betzner and Symons, such differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of a showing of unexpected results; see also In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985).

Conclusion

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern
Primary Examiner
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